

**Freedom Court Reporting, Inc**

**1**

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF TEXAS  
3 MARSHALL DIVISION  
4  
5

6 PATTY BEALL, MATTHEW  
7 MAXWELL, TALINA McELHANY and  
8 KELLY HAMPTON, Individually  
9 and on behalf of all other  
10 similarly situated,

11 Plaintiffs,

12 v. 2:08-cv-422 TJW

13 TYLER TECHNOLOGIES, INC., and  
14 EDP ENTERPRISES, INC.,  
15 Defendants.  
16  
17

18 DEPOSITION OF  
19 JOY FLYNN  
20

21 At Raleigh, North Carolina

22 Tuesday, July 27, 2010; 9:17 a.m.

23 Reported by: Lindsey D. Cline, CVR

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1 Q. And can we agree that the dates of your employment  
2 with Tyler were March of 2008 through January of  
3 2009?

4 A. Yes, that would be correct.

5 Q. Since January of 2009 have you had any means of  
6 employment or income other than the independent  
7 contracting work that you've described?

8 A. Yes.

9 Q. What was that?

10 A. It was not employment. My husband is a deceased  
11 military person, and so I receive a widow's  
12 annuity pension monthly.

13 Q. Okay. Other than the -- let me ask you this. Any  
14 employment since you left Tyler?

15 A. No.

16 Q. So your last job --

17 A. Other than what I do, the independent --

18 Q. Right.

19 A. -- contractor work.

20 Q. So your last capacity as an employee was for Tyler  
21 Technologies?

22 A. That's correct.

23 Q. How did you originally find out about employment

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1 part of MUNIS, some type of relationship those two  
2 companies had, and he was on loan to the company  
3 for a period of time.

4 Q. But he was out -- he was there throughout the time  
5 of your employment?

6 A. Yes, he was.

7 Q. Did you -- let me back up. Was there any type of  
8 training that you were provided during the  
9 beginning of your employment with Tyler?

10 A. Yes. In the -- when I first came to Tyler, I was  
11 in a conference room and given some manual  
12 documentation of how various processes worked.

13 And I did that for -- on my own for maybe about a  
14 month, two months, something like that.

15 Q. Okay. So let's talk about that, first of all. So  
16 during the first couple of months you were trained  
17 by going over these different manuals?

18 A. Yes.

19 Q. And these manuals would describe the Tyler  
20 software applications, correct?

21 A. Yes.

22 Q. And you were working within a particular division  
23 of Tyler called MUNIS?

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1 A. That's correct.

2 Q. And MUNIS was also the name that was given to the  
3 different software applications?

4 A. That's correct.

5 Q. Okay. And you were on the financial side?

6 A. No. I was on the HR/Payroll.

7 Q. HR/Payroll, okay.

8 A. Yes.

9 Q. But you understand that there were different types  
10 of software applications at MUNIS, some of them  
11 related to financial software, and others related  
12 to the HR and Payroll?

13 A. That is correct.

14 Q. And throughout the time of your employment with  
15 Tyler you were on the HR/Payroll?

16 A. That is correct.

17 Q. Were there different types of applications within  
18 that heading of HR and Payroll, or was there just  
19 one software application?

20 A. I believe it was just the one payroll application.

21 Q. Okay. So for the first -- you said about a month  
22 or two months -- you were trained through reading  
23 the Tyler manuals that explained the software?

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1 A. That is correct.

2 Q. And was this just done on your own then, or was  
3 there someone that would train you through, you  
4 know, a PowerPoint or a classroom-type training?

5 A. No, there was not.

6 Q. I take it you had an office at Tyler's offices in  
7 Raleigh?

8 A. When I initially started, I was in a conference  
9 room like this for the first couple of months.

10 Q. And at some point later you were given an office?

11 A. Yes.

12 Q. But it was in the conference room that you  
13 mentioned that you reviewed these manuals as part  
14 of your training?

15 A. That is correct.

16 Q. Did you ever take the manuals home with you or did  
17 you just do the reading while you were there at  
18 the Tyler offices during this one- to two-month  
19 period?

20 A. I did it there in the office. It was eight hours  
21 a day. And I believe it was about six or seven  
22 weeks.

23 Q. Okay. But you didn't take the manuals home then?

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1 A. Yeah.

2 Q. I know you mentioned those three by example.

3 A. Yes.

4 Q. I'm not sure if that was all of them or not. Was  
5 it all of them or do you know?

6 A. It was one other gentleman.

7 Q. Okay.

8 A. I can't remember his name. I'm sorry.

9 Q. That's okay. But in any event, there was a period  
10 while you were shadowing these other more senior  
11 implementation specialists. And is it a true  
12 statement that it wasn't until after this three-  
13 to four-month period that you were shadowing these  
14 other implementers that you did an implementation  
15 on your own?

16 A. Yes.

17 Q. How many implementations did you do on your own?

18 A. I didn't actually do full completion of any  
19 implementations. It was -- I would be the initial  
20 person that went in to get the group started in  
21 their processes.

22 Q. But you would do that at the client location?

23 A. Yes, that's correct.

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1 done.

2 When the implementer would be doing the  
3 training, they would set up maybe two or three  
4 fictitious employees into the training system.  
5 But if a work site, for example, has three, four,  
6 five hundred employees, well, all those employee  
7 records have to be built into the system. So  
8 that's what I would assist with doing.

9 Q. But this is different than conversion, correct?

10 MS. BAGLEY: Object to the form.

11 THE WITNESS: I'm sorry?

12 MS. BAGLEY: I'm objecting to the form of the  
13 question.

14 MR. MCKEEBY: You can answer though.

15 MS. BAGLEY: You can answer if you understand  
16 the question.

17 THE WITNESS: Okay. When you say conversion,  
18 explain what you mean by conversion.

19 Q. (Mr. McKeeby) Okay. Does conversion -- let me  
20 ask you this. While you were at Tyler, did the  
21 term conversion have a particular meaning to you?

22 A. Yes.

23 Q. And what was that meaning? I want to use yours if

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1 we can.

2 A. Okay. My understanding was the clients were  
3 running their payroll processes on a older type  
4 system, so they were being converted over to the  
5 MUNIS-Tyler software that they would now be using.  
6 So some of the information -- employee data  
7 information would transfer over into the new  
8 system. But all of it would not convert over into  
9 the new system. So that gap of information is  
10 what had to be manually input into the system.

11 Q. And that gap of information, as you described it,  
12 was done by a separate department at MUNIS,  
13 correct? They had a conversion department?

14 A. Yes, they did have a conversion --

15 MS. BAGLEY: Object to the form.

16 Q. (Mr. McKeeby) They did have a conversion  
17 department?

18 A. I believe they did have a conversion department.  
19 Those were the programmers that did the  
20 conversion.

21 Q. So what you described a moment ago as building  
22 employee records into the system is something  
23 different than what the conversion department



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1 A. Let's see. Other than setting up, like I said,  
2 the missing information for reports, various data  
3 elements, that is all that I can recall.

4 Q. And when you were shadowing the more senior  
5 implementers, you didn't have anything to do with  
6 setting up the agenda for the training, did you?

7 A. No, I did not.

8 Q. Are you familiar, based on your employment with  
9 the Tyler -- based on your employment with Tyler  
10 -- of a concept called systems analysis?

11 A. No.

12 Q. Let me give you my understanding of what systems  
13 analysis means --

14 A. Okay.

15 Q. -- and maybe that will help; maybe not. But my  
16 understanding is that systems analysis means  
17 looking at the client's old software system and  
18 setup and discussing with the client different  
19 options of how that information can be utilized  
20 and flow through the Tyler systems. Sort of an  
21 initial meeting with the customer to have a dialog  
22 about how the Tyler system would work compared to  
23 their old system and getting input from the client

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1 about how to set up the Tyler software. Is that  
2 -- as I described that, does that refresh your  
3 recollection at all about --

4 A. Yes.

5 Q. -- that function?

6 A. Yes.

7 Q. Is that -- what do you call that? I am using the  
8 term systems analysis, and I don't know why.  
9 That's just my recollection. Is there something  
10 you used, or a phrase you used to describe that  
11 that's different from systems analysis?

12 A. Well, what would happen -- in the beginning when  
13 you first meet with a client, that's when they  
14 have the meetings to discuss what their system  
15 functionality currently is and where they want to  
16 see their system function in the future. So at  
17 the very initial meetings, that would be more  
18 senior persons that had those type of  
19 conversations. Like Penny or Rob or -- you know,  
20 higher level persons than myself. When I came  
21 into the situation, those conversations had  
22 already taken place. So it was more or less the  
23 day-to-day functionality that the employees would

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1 be doing, not the higher level conversations.

2 Q. Okay. So first of all, let me see if there's a  
3 way to describe that. Was there any term that you  
4 used during your employment with Tyler to describe  
5 that process that we both discussed, which is the  
6 high level, sitting down with the client,  
7 discussing where they want to go with Tyler  
8 systems?

9 A. Well, that would be their initial consultation.

10 Q. Okay.

11 A. Client consultation conversations. And like I  
12 said, those were handled with more senior type  
13 persons.

14 Q. Okay. So throughout your employment with Tyler,  
15 you never participated in those initial  
16 consultation conversations?

17 A. No, I did not.

18 Q. Okay. During your three- to four-month shadow  
19 period, what would be your estimate of your weekly  
20 hours worked on average?

21 A. I would say it would be about 45 to 50 hours.  
22 That's at the client's site. I'm not talking  
23 about travel time or anything like that.

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1 Q. Was there a way, from looking at the calendar, for  
2 you to know that you were performing the initial  
3 part of that training process, or did you just  
4 kind of know that?

5 A. Okay. I understand what you're saying now. When  
6 you're doing -- when you're first setting up like  
7 for HR or payroll, first employee records have to  
8 be built out there. And that's where you go in  
9 and put in the employee benefits, put in their  
10 beneficiary type information. All of that type of  
11 information has to be set up. Employee  
12 deductions, for example. Are they purchasing  
13 savings bonds or anything that's coming out of  
14 their pay? So that is what I'm referencing as the  
15 initial steps, the initial setup. So sometimes  
16 that would be the work that needed to be done  
17 before you can even run a payroll. You have to  
18 have the employee information in the system along  
19 with their employee records. So when you run the  
20 payroll processes, it can link back to that  
21 employee to know what deductions need to be taken  
22 out for state tax, federal tax, any type of  
23 deductions, wage garnishments, anything like that.

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1           So first you have to build those employee  
2           records. So when you're looking at this Excel  
3           spreadsheet, even though it may say payroll under  
4           there, it would say, "Employee record setup" --

5   Q.   Okay.

6   A.   -- or something of that nature.

7   Q.   Okay. So the actual calendar would indicate not  
8           only payroll but the type of payroll training that  
9           you would be performing?

10 A.   The type of processes, yes.

11 Q.   Got it. And what you just described, the building  
12           the employee records, setting up the  
13           beneficiaries, the deductions from payroll, that's  
14           the type of -- that's what you mean when you say,  
15           "Getting the group started on the process" --

16 A.   That is --

17 Q.   -- the initial steps?

18 A.   That is correct, yes.

19 Q.   And so that's the type of training you performed?

20 A.   That is correct.

21 Q.   Okay. So I take it that you would be -- for the  
22           training you would be doing, you wouldn't  
23           necessarily be training end users with respect to

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1        functionality; but you would be training people  
2        who would be setting up the system at the  
3        customer?

4        A.    That is correct.

5        Q.    Did these people have some particular designation  
6        or title?

7        A.    The people that I generally worked with were  
8        people that actually worked in payroll processes,  
9        actually worked in HR.    So they were familiar with  
10       their old processing system.    And now we're  
11       plugging this information into the new system, so  
12       -- and verifying that everything from their old  
13       system has moved over correctly to the new  
14       software system.

15       Q.    Okay.    I take it the calendar would tell you how  
16       long you were supposed to be at a particular  
17       location?

18       A.    Yes.

19       Q.    Did you ever have any role in -- and again, we're  
20       now talking about the three to four months --

21       A.    Yes.

22       Q.    -- while you were on your own.    Did you ever have  
23       any role in setting up the calendar or the agenda?

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1     A.     No.

2     Q.     That was done by Jodi?

3     A.     Yes.

4     Q.     When you were doing the initial training, had the  
5             customer already been converted -- as we defined  
6             that term earlier -- to the Tyler system?

7     A.     Sometimes.

8     Q.     Was there anything it depended on or was it just  
9             -- did it vary?

10    A.     There was various reasons. Sometimes when they  
11            did the initial conversion, there may have been  
12            problems with the conversion processes so the  
13            programmers had to figure out what -- kind of  
14            troubleshoot the software to see what the  
15            situation was. But normally it was mostly all  
16            converted.

17    Q.     Okay. Okay. When you went to Iowa -- I think you  
18            said you took two trips to Iowa?

19    A.     I believe so, two.

20    Q.     Was that for the same customer?

21    A.     Yes, yes, it was.

22    Q.     Why did you only have to make two trips to Iowa  
23            versus the many weeks that you went back to

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1 requirements from you an assessment of how well  
2 the trainees were doing?

3 A. Yes, that is correct.

4 Q. And again, the document -- no, this is the trip  
5 report that you're talking about?

6 A. Yes, the trip report, yes.

7 Q. Okay.

8 A. Because when you're doing an implementation, you  
9 know, it's set up by time periods how long it's  
10 going to take from the initial startup to the  
11 client being on their own.

12 Q. Are you familiar with the concept of going live?

13 A. Yes.

14 Q. And let me give you the description that I  
15 understand so that you can --

16 A. Okay.

17 Q. -- then tell me if we're on the same page.

18 A. Okay.

19 Q. And I'm going to speak at a fairly general level.  
20 I understand that going live means the process by  
21 which a client moves from its old systems to Tyler  
22 systems and starts inputting information into the  
23 system about its employees in the context of the



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1 payroll. Is that a fair characterization? And if  
2 not, why not?

3 A. Okay. What you just described is part of the  
4 implementation process. When you speak of the go-  
5 live, that is when, actually, Tyler turns over the  
6 processing to the client and they're processing on  
7 their own and just contacting Tyler for questions  
8 through their call center.

9 Q. Okay. Were you -- and that actually has to happen  
10 at a particular time?

11 A. That is correct.

12 Q. And my question for you is, were you at the client  
13 site when the client went live?

14 A. In Newport News, yes.

15 Q. But not in the other location that you mentioned?

16 A. No.

17 Q. How long -- well, let me ask you this: What were  
18 your functions at Newport News when the client  
19 went live?

20 A. I was with -- again, that was during my shadowing  
21 time period. And what I was doing was  
22 specifically reviewing the reports that came out  
23 to make sure that the employee record information

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1 was all entered into the system correctly so when  
2 they began their new payroll processing all the  
3 payrolls would come out correctly.

4 Q. Okay. Let me ask you this in connection with the  
5 period of time when you were on your own, that  
6 three- to four-month period.

7 A. Uh-huh.

8 Q. Were you ever at the customer facility during that  
9 three- to four-month period when the customer went  
10 live?

11 A. No.

12 Q. The functions that you described that occurred  
13 while you were in the shadowing period, running  
14 reports, entering employee information, the  
15 behind-the-scenes work involving building  
16 processes as well as troubleshooting, did you  
17 perform those same functions during the three- to  
18 four-month period that you were on your own?

19 A. Yes.

20 Q. Were there any other functions that were different  
21 from those functions that were performed while you  
22 were in the shadowing period?

23 A. No.

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1 NORTH CAROLINA

2 WAKE COUNTY

3 C E R T I F I C A T E

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5 I, Lindsey D'Anne Cline, Court Reporter and Notary  
6 Public, the officer before whom the foregoing proceeding was  
7 conducted, do hereby certify that the witness(es) whose  
8 testimony appears in the foregoing proceeding were duly  
9 sworn by me; that the testimony of said witness(es) were  
10 taken by me to the best of my ability and thereafter  
11 transcribed under my supervision; and that the foregoing  
12 pages, inclusive, constitute a true and accurate transcript  
13 of the testimony of the witness(s).

14 I do further certify that I am neither counsel for,  
15 related to, nor employed by any of the parties to this  
16 action in which this proceeding was conducted, and further,  
17 that I am not a relative or employee of any attorney or  
18 counsel employed by the parties thereof, nor financially or  
19 otherwise interested in the outcome of the action.

20 This the \_\_\_\_ day of \_\_\_\_\_, 2010.

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\_\_\_\_\_  
Lindsey D'Anne Cline

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Notary Public No.